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JAMES N. HATTEN, Clerk

By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

AMIFOR MGMT  
RIVERRIDGE APT.  
CSS SERVICES INCORPORATED

**Plaintiff,**

Case No. \_\_\_\_\_

Vs.

**1:19-CV-0092**

Cross Reference Magistrate Case  
Number: 2018CM32208

ROKEYA DEVESE  
And all other occupants

**Defendant,**

Intervener pursuant to OCGA 9-11-24

**PETITION FOR REMOVAL OF ACTION  
WITH A FEDERAL STAY OF EVICTION PURSUANT TO  
28 USCA 1446 (D)**

The petitioner respectfully petitions this court for removal of action.

COMES NOW ROKEYA DEVESE petitioner as above stated and petitions  
this court for removal of action from the Magistrate Court of Clayton  
County. This petition is set forth on the following grounds;

The Respondent did violate 15 USC 1692, Rule 60 of the federal Rule of Civil Procedure: and having a legal duty to abort eviction pursuant to O.C.G.A. 51-1-6.

2.

The Magistrate Court of Clayton County Dispossession action is in violation of 14<sup>th</sup> Amendment of the U.S. Constitution with respect to Due Process of law.

3.

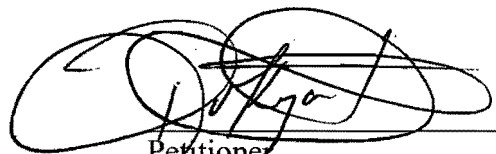
The Magistrate Court of Clayton County Dispossession is Unconstitutional with respect to the "Due Process Clauses" 14<sup>th</sup> Amendment.

WHEREFORE the Petitioner demands the following relief

1. This honorable Court remove this case from the Magistrate Court of Clayton County.
2. This honorable Court afford adequate discovery.
3. This honorable Court Prelief this Court deems just and proper.

**VERIFICATION**  
**(Affidavit)**

The undersigned Affiant Defendant by appellation does here with swear, declare and affirm that the Affiant executes this Affidavit with sincere intent and competently states the matters set forth. I the undersigned being under oath and declare under penalty of perjury, that I **do not** have an attorney to represent me in this case. Also that the contents are true, correct and not misleading to the best of my knowledge.



Petitioner  
Rokeya Devese  
Pro se

## MAGISTRATE COURT OF CLAYTON COUNTY, STATE OF GEORGIA

## DISPOSSESSORY PROCEEDING

AMIFOR MANAGEMENT  
RIVER RIDGE APARTMENTS  
CSS SERVICES, INC  
- PO BOX 451027  
ATLANTA GA 31145

VS

ROKEYA DEVESE, , , , ,  
AND ALL OTHER OCCUPANTS  
235 ROBERTS DRIVE 14F  
RIVERDALE GA 30274

FILED  
CLAYTON COUNTY, GA  
12/4/2018 2:27:55 PM  
JACQUILINE D. WILLS  
CLERK MAGISTRATE COURT

CASE # 2018CM32208

Attorney: R.SELF  
142688  
CSS  
Evict #

Personally appeared the undersigned who upon oath says that he is **AGENT** for plaintiff herein, and that defendant(s) is(are) in possession as tenant of premises at said address stated above, in Clayton County, the property of said plaintiff.

FURTHER: **TENANT FAILS TO TO PAY THE RENT WHICH IS NOW DUE. LANDLORD SEEKS POSSESSION.**

Plaintiff desires and has demanded possession of the premises and Defendant has failed and refused to deliver said possession.

**WHEREFORE, Plaintiff DEMANDS:**

- (a) Possession of the premises
- (b) Past due rent of \$ 1590 for the month(s) of **DEC NOV**
- (c) Rent accruing up to the date of judgment or vacancy at the rate of \$ 25.65 per day
- (d) Other: \$ **250.00; 79.50; 50.00; 25.00; 0.00 - ATTORNEY FEE; LATE FEE; COURT COST; SERVICE FEE; CONSEQ EXP**

"By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct."

Affiant: **K. ORIE** 12/4/2018

**SUMMONS****TO THE SHERIFF OF CLAYTON COUNTY OR HIS LAWFUL DEPUTIES**

**GREETINGS:** The defendant(s) is/are commanded and required to file an answer to said affidavit in writing or orally in person at the Magistrate Court of Clayton County, Jonesboro, Georgia on or before the seventh (7th) day after the date of service of the within affidavit and summons. **You may also answer online at dispoanswer.com by 11:59 P.M. on or before the last day to answer this summons.** EACH defendant is required to file an answer in his or her own name. If such an answer is not made, a Writ of Possession and/or Judgment may issue as provided by law. Witness the Honorable Wanda L. Dallas, Chief Magistrate of said Court.

Deputy Clerk: **Jacqueline D. Wills**

12/4/2018

**SHERIFF'S ENTRY OF SERVICE**

I have served the foregoing Affidavit and Summons on the Defendant(s) by delivering a copy of same:

( ) PERSONALLY ( ) DEFENDANT NOT FOUND AT WITHIN ADDRESS ON SAID SUMMONS AND AFFIDAVIT  
( ) NOTORIOUSLY (NAME) \_\_\_\_\_ Age \_\_\_\_\_ Wt. \_\_\_\_\_ Ht. \_\_\_\_\_

(X) **TACK & MAIL** Posting a copy to the door of the premises and depositing a copy in the U.S. Mail, First Class in an envelope properly addressed after attempting personal service. Said copy containing notice to the Defendant(s) to answer at the hour and place in said summons.

DATE OF SERVICE: 12/7/18

 D/Sheriff

**IMPORTANT NOTICE**

Pursuant to Official Code of Georgia, Section 44-7-55(c), any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property; further, it provides that after execution of the writ, such property shall be regarded as abandoned. Pursuant to Code of Clayton County, Georgia, Section 82-91 et. seq., if such personal property is not removed from the landlord's property within twenty-four (24) hours of the date and time of the execution of the writ of possession, and if the property otherwise is in violation of the county code, a citation for violation of the county code may issue against the plaintiff.

**WRIT OF POSSESSION**

To the Sheriff of Clayton County or his lawful deputies: You are hereby commanded to remove said defendant together with defendant(s) property thereon from said premises and to deliver full and quiet possession of the same to the plaintiff herein, effective: 1.) Instant or 2.) Seven days from the date of judgment; or 3.) Pursuant to the terms of a consent judgment filed herewith: 1.) On or before the date of judgment; or 2.) On or before the date of judgment; or 3.) On or before the date of judgment.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Clayton County, Georgia. Judge, Magistrate Court of Clayton County